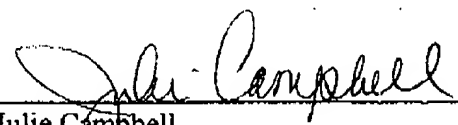


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DEC 14 2005

**CERTIFICATE OF FACSIMILE TRANSMISSION
UNDER 37 CFR §1.8**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted on the date indicated below via facsimile to the United States Patent and Trademark Office, facsimile number (571)-273-8300.

Date: Dec. 14, 2005
Julie CampbellIn re application of:
Shelton

Serial Number: 09/025,279

Filed: February 18, 1998 (Contested)

Title: **Standing Order Database Search System
and Method for Intranet and Internet
Application**

Docket No. 050128-1010

**Petition to Expedite Request for Reconsideration
Request for Reconsideration of Petition
Credit Card Payment Form for \$400.00****BEST AVAILABLE COPY**

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In re application of:

Shelton

Serial Number: 09/025,279

Filed: February 18, 1998 (Contested)

Docket No. 050128-1010

Title: **Standing Order Database Search System
and Method for Intranet and Internet
Application****PETITION TO EXPEDITE
REQUEST FOR RECONSIDERATION**Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant respectfully requests and hereby petitions for expedited consideration of the accompanying Request for Reconsideration.

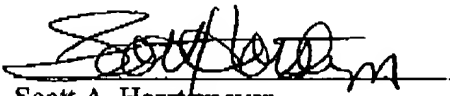
Applicant encloses the requisite \$400.00 fee for this Petition to Expedite. The Commissioner is authorized to charge any deficiencies in the payment or credit any overpayment to Deposit Account No. 20-0778.

Respectfully submitted,

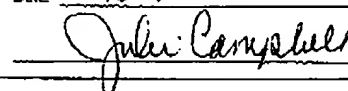
12/16/2005 TL0111 00000001 09025279

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Scott A. Horstemeyer
Registration No. 34,183**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500**CERTIFICATE OF FACSIMILE TRANSMISSION
UNDER 37 CFR §1.8**

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Date: 12-14-2005

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CENTRAL FAX CENTER****DEC 14 2005****IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In re application of:)
Shelton)
Serial Number: 09/025,279)
Filed: February 18, 1998 (Contested))
Title: **Standing Order Database Search System**)
and Method for Intranet and Internet)
Application)

Docket No. 050128-1010

**REQUEST FOR RECONSIDERATION
OF PETITION UNDER 37 C.F.R. §1.183**

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant hereby requests reconsideration of the Petition under 37 C.F.R. §1.183 filed on August 1, 2005. A decision dismissing the foregoing Petition was mailed by the U.S. Patent and Trademark Office (USPTO) on November 18, 2005. The Petition was dismissed as untimely under 37 C.F.R. 1.181(f). The USPTO contends that the Petitioner had not exercised adequate diligence and did not adequately show why five years had elapsed between the dismissal of the prior Petition under 37 C.F.R. §1.10(d) and the filing of the August 1, 2005 Petition.

Applicant respectfully disagrees with these findings and requests that the USPTO reconsider waiver of the timeliness requirement in this particular case and that, in the interests of fairness to the Applicant, the merits of the August 1, 2005, Petition be considered. The Applicant is the real victim in this case and the USPTO has the discretion to provide an adequate remedy. The Declarations filed with the August 1, 2005, Petition support the following summary of facts.

Applicant's first patent attorney, John Sigalos *timely filed* Petitions on March 31, 1997 and June 10, 1998 to correct errors in the dates assigned to Applicant's filing of a provisional application on February 17, 1997, and of a non-provisional application on February 17, 1998. However, when Mr. Sigalos received the Decision on the Petition under 37 C.F.R. §1.10(d) mailed on May 31, 2000 (which requested documentation of one of his assertions of underlying

facts), he was in a diminished mental state due to the fact that his daughter had recently died in April 2000. While in this depleted mental state, he placed the decision in a file and forgot about it.

Applicant's second patent attorney, Mr. Andrew Hassell was engaged as lead patent counsel shortly after Mr. Sigalos' daughter died. Applicant informed Mr. Hassell that a question had previously arisen regarding the effective filing date to which the non-provisional application was entitled, but unbeknown to Applicant, Mr. Hassell was informed by Mr. Sigalos that, since Mr. Sigalos was personally involved in affecting timely filing so as to obtain the benefit of the filing date of the provisional application, Mr. Sigalos would attend to such matter. Accordingly, Mr. Hassell directed his attention to other matters that were involved in the prosecution and appeal of the non-provisional application.


The application was dormant for a long period of time while the claims were being appealed. It was therefore only in June 2005, after the Applicant prevailed on such appeal of all claims and consequently reviewed the file, that Applicant and his patent attorneys became aware of the fact that a Request for Reconsideration of the May 31, 2000 Decision had not been filed with the USPTO.

Upon determining this information, Applicant and his patent attorneys exercised diligence and filed the most recent Petition under 37 C.F.R. §1.183 on August 1, 2005, which is within a few weeks after realizing that the Request for Reconsideration had not been filed. Applicant hired his third lead patent attorney, *i.e.*, the undersigned Scott Horstemeyer, to prepare and file this most recent Petition.

Although now documented in considerably more detail, it is worth noting that the contentions respecting the errors made in properly recording the dates of the provisional and non-provisional applications are unchanged from those that were *timely made* by Applicant on March 31, 1997 and June 10, 1998, respectively. Accordingly, the Applicant respectfully requests that the USPTO waive the timeliness requirement and consider the merits of the August 1, 2005, Petition.

It is believed that no fee is due in connection with this Request for Reconsideration. If, however, any additional fee is required, you are hereby authorized to charge any such fee to Deposit Account No. 20-0778.

Respectfully submitted,


Scott A. Horstemeyer
Registration No. 34,183

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

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100 Galleria Parkway N.W.
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(770) 933-9500

**CERTIFICATE OF FACSIMILE TRANSMISSION
UNDER 37 CFR 81.8**

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Date:

12-14-2005

